

**ASSEMBLY BILL**

**No. 42**

**Introduced by Assembly Members Nunez and McCarthy and  
Senators Perata and Ackerman**

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An act to ~~repeal~~ *amend* Section 12174 of the Government Code,  
relating to ~~the California History Center~~ *museums*, and declaring the  
urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 42, as amended, Nunez. ~~California History Center~~ *Secretary of  
State and State Archives Building Complex: museum.*

Existing law requires the Secretary of State to administer, protect,  
and develop the Secretary of State and State Archives Building  
Complex and authorizes the Secretary of State to ~~provide by~~ *enter into*  
*an agreement with the Golden State Museum Public Benefit*  
*Corporation for the operation of the Golden State Museum within the*  
*complex. The board of trustees of the corporation is the governing*

*authority for operations funded through moneys received by the corporation and is required to perform specified activities, including the submission of an annual audit to the Secretary of State, and copies to specified entities. Certain individuals working with or for the corporation for purposes consistent with the mission of the corporation are considered volunteers for specified purposes.*

*This bill would ~~repeal that provision and would state the intent of the Legislature to extend knowledge of the state's history through the California History Center, including a Women's History Museum, and to authorize the Secretary of State to enter into an agreement with a private nonprofit organization for the operation of the center in a portion of the complex~~ additionally authorize the Secretary of State to enter into an agreement with any successor to the corporation for the operation of a museum located within the complex, and make various conforming changes. It would specify that the governing board of the corporation is the governing authority for operations funded through moneys received by the museum and would encourage the board to conduct its activities according to specified criteria. It would require the Secretary of State to submit copies of the annual audit to the specified entities, and delete the provisions designating the individuals working with or for the corporation as volunteers.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

*Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.*

*The people of the State of California do enact as follows:*

1    ~~SECTION 1. Section 12174 of the Government Code is~~  
 2    ~~repealed.~~  
 3    ~~SEC. 2.—~~  
 4    *SECTION 1.* (a) It is the intent of the Legislature to extend  
 5    knowledge of California's rich history, cultural diversity, and  
 6    government to the people of the state through the new California  
 7    History Center. ~~The California History Center will display~~  
 8    ~~records and artifacts from the collection of the California State~~  
 9    ~~Archives to better enable members of the public to learn about~~  
 10    ~~California history. The California History Center will also house~~  
 11    *museum located in the Secretary of State and State Archives*  
 12    *Building Complex. The museum will preserve and present*

1 *California's cultural, social, and political history through*  
2 *exhibits and programs that include the display of records,*  
3 *photographs, and artifacts from the collection of the California*  
4 *State Archives. The museum will also house a first-ever*  
5 *Women's History Museum.*

6 (b) In recognition of the need to extend the fiscal resources of  
7 the state, it is the intent of the Legislature to authorize the  
8 Secretary of State to enter into an agreement with a private  
9 nonprofit organization for the operation of the ~~California History~~  
10 ~~Center and to permit the California History Center to occupy a~~  
11 *museum and to permit the museum to occupy a* portion of the  
12 Secretary of State and State Archives Building Complex.

13 (c) The benefit of this arrangement to the state will be that the  
14 private nonprofit organization shall develop and administer the  
15 ~~California History Center museum~~ and solicit private donations  
16 to assist in providing funding for the ~~California History Center~~.  
17 *museum.*

18 *SEC. 2. Section 12174 of the Government Code is amended to*  
19 *read:*

20 12174. (a) The Secretary of State shall administer, protect,  
21 develop, and interpret the Secretary of State and State Archives  
22 Building Complex located in Sacramento in the area bounded by  
23 10th, 11th, O, and P Streets as authorized by Section 12235 for  
24 the use, education, and enjoyment of the public.

25 (b) The Secretary of State may enter into an operating  
26 agreement with the Golden State Museum Public Benefit  
27 Corporation (GSMPBC), formerly known as the California  
28 Archives Foundation, an existing California nonprofit public  
29 benefit corporation, tax exempt under Section 501(c)(3) of the  
30 United States Internal Revenue Code, *or any successor thereto.*  
31 Under the operating agreement with the Secretary of State  
32 (including the State Archives), the ~~GSMPBC corporation~~ shall  
33 ~~operate the Golden State Museum (the museum)~~ *a museum*  
34 *located in the Secretary of State and State Archives Building*  
35 *Complex, including development, administration, interpretation,*  
36 *and management of the museum and related public services, and*  
37 *acquiring and managing funding for the museum's programs and*  
38 *services. Secondly, the GSMPBC corporation may support the*  
39 *programs and operations of the State Archives.*

1     (c) ~~Employees, volunteers, docents, members, or others~~  
2 ~~working with or for the nonprofit tax-exempt organization~~  
3 ~~described in subdivision (b) for purposes consistent with the~~  
4 ~~mission of the organization shall be considered volunteers under~~  
5 ~~Sections 3118 and 3119 of this code and Section 3363.5 of the~~  
6 ~~Labor Code.~~

7     ~~(d) The Board of Trustees of the GSMPBC governing board of~~  
8 ~~the corporation~~ shall include the Secretary of State or any  
9 Assistant Secretary of State designated by the Secretary of State  
10 and the Chairperson of the California Heritage Preservation  
11 Commission as ex officio voting members of the board. The  
12 ~~Board of Trustees of the GSMPBC board~~ shall be the governing  
13 authority for operations funded through moneys received by the  
14 ~~GSMPBC museum. The Board of Trustees of the GSMPBC~~  
15 ~~board~~ shall submit an audit report annually to the Secretary of  
16 State. The ~~board~~ *Secretary of State* shall submit copies of the  
17 annual audit reports to the Director of Finance, the Chair of the  
18 Joint Legislative Audit Committee, and the Chair of the Joint  
19 Legislative Budget Committee. No funds raised or assets  
20 acquired by the ~~GSMPBC corporation~~ shall be used for purposes  
21 inconsistent with support of the ~~Golden State Museum museum~~  
22 and the State Archives.

23     ~~(e)–~~

24     ~~(d)~~ No later than January 10 of each year, the ~~GSMPBC~~  
25 ~~corporation~~ shall submit the ~~GSMPBC corporation~~ business plan  
26 for the following fiscal year to the Director of Finance and the  
27 Chair of the Joint Legislative Budget Committee for review and  
28 comment. The ~~Executive Director executive director~~ of the  
29 ~~GSMPBC corporation~~ shall also submit, not less than 30 days  
30 prior to adoption by the ~~GSMPBC's Board of Trustees governing~~  
31 ~~board of the corporation~~, any proposed formal amendments to  
32 the ~~GSMPBC corporation~~ business plan to the Director of  
33 Finance and the Chair of the Joint Legislative Budget Committee  
34 for review and comment.

35     ~~(f)–~~

36     ~~(e)~~ Fees charged to members of the public for copying,  
37 reproduction, and other services provided by the State Archives  
38 shall be at a level consistent with the costs of providing these  
39 services. The Secretary of State may establish an agreement with

1 the ~~GSMPC~~ corporation to provide these services and collect  
2 moneys for providing these services.

3 (f) *The Legislature encourages the governing board of the*  
4 *corporation to conduct its meetings in an open manner, establish*  
5 *a board membership that is representative and reflective of*  
6 *California's rich history, and work cooperatively with the*  
7 *Secretary of State to ensure public input, confidence, and*  
8 *accountability in the museum's use of its resources and the*  
9 *protection of California's priceless archives, collections, and*  
10 *artifacts.*

11 SEC. 3. This act is an urgency statute necessary for the  
12 immediate preservation of the public peace, health, or safety  
13 within the meaning of Article IV of the Constitution and shall go  
14 into immediate effect. The facts constituting the necessity are:

15 In order to enhance and improve the ~~California History Center~~  
16 *museum described in this act* expeditiously it is necessary that  
17 this act take effect immediately.